

REMARKS

Claims 1 and 3-44 are pending in the instant application. Claim 2 was previously canceled. Claims 1, 13, 20, 25 and 36 are amended herein. No new matter has been added as a result of the amendments made herein.

103 Rejections

Claims 1 and 3-44 are rejected under 35 U.S.C. § 103(a) as being obvious over Tindal (U.S. Patent Publication No. 2002/0069275 A1) in view of Chuter et al. (U.S. Patent No. 5,367,394 A). The Applicant has reviewed the cited references and respectfully submit that embodiments of the present invention as are set forth in Claims 1 and 3-44 are neither anticipated nor rendered obvious by Tindal in view of Chuter et al.

The Examiner is respectfully directed to independent Claim 1 which sets forth that an embodiment of the present invention includes a method for auditing an optical network, comprising:

... transmitting a query to a hardware device in said optical network; receiving a response to said query subsequent to said transmitting; analyzing said response to said query; producing an audit report of said response and said analysis subsequent to said analyzing wherein said audit report is based on network configuration information; and transmitting a second query to said hardware device, said second query based on said response to said first query, in order to gather status information of said hardware device.

Independent Claims 13, 20, 25 and 36 recite limitations similar to those found in Claim 1. Claims 3-12 depend from Claim 1, Claims 14-19 depend from Claim 13, Claims 26-35 depend

from Claim 25 and Claims 31-44 depend from Claim 36 and recite additional limitations of the Claimed invention.

Tindal does not anticipate or render obvious a system for auditing an optical network that includes transmitting a first query to a hardware device and transmitting a second query to the hardware device with the second query being based on the response to said first query, and “wherein an audit report of said response based on network configuration information is produced.” Tindal only shows dissimilar global GUI interface for network operating systems. Nowhere in the Tindal reference is a system for auditing an optical network that includes transmitting a first query to a hardware device and transmitting a second query to the hardware device with the second query being based on the response to said first query, “wherein an audit report of said response based on network configuration information is produced” taught or suggested as is recited in Claim 1 (Claims 13, 20, 25 and 36 contain similar limitations). Consequently, Tindal does not anticipate or render obvious the embodiment of the Applicant’s invention as set forth in Claims 1, 13, 20, 25 and 36.

Chuter et al. does not teach or suggest a modification of Tindal that would remedy the deficiencies of Tindal noted above. More specifically, Chuter et al. does not teach or suggest a system for auditing an optical network that includes transmitting a first query to a hardware device and transmitting a second query to the hardware device with the second query being based on the response to said first query “wherein an audit report of said response based on network configuration information is produced.” as is recited in Claim 1 (Claims 13, 20, 25 and 36 contain similar limitations). Chuter et al. only shows a dissimilar transmitter and receiver network. Nowhere in the Chuter et al. reference is a system for auditing an optical network that

includes transmitting a first query to a hardware device and transmitting a second query to the hardware device with the second query being based on the response to said first query, “wherein an audit report of said response based on network configuration information is produced” taught or suggested as is recited in Claim 1 (Claims 13, 20, 25 and 36 contain similar limitations.

In the outstanding Office Action the Examiner equated the reporting of status information to the creation of an audit report based on network configuration information. Applicant respectfully disagrees as status information can have to do with such things as whether or not a device is operating, the particular operation that a device may be engaged in, etc. By contrast, configuration information refers to such things as, attached devices, the manner in which device options are defined, device capability and capacity, etc. As such, these terms encompass entirely different concepts. Accordingly, subject matter referenced from the cited references related to status information in no way teaches or suggests the embodiments of the Applicant’s invention as are set forth in Claims 13, 20, 25 and 36. Consequently, Tindal and Chuter et al., either alone or in combination do not anticipate or render obvious the embodiment of the Applicant’s invention as set forth in Claims 1, 13, 20, 25 and 36.

Accordingly, the Applicant also respectfully submits that Tindal in view of Chuter et al. does not anticipate or render obvious the present claimed invention as is recited in Claims 3-12, 14-19, 21-24, 26-35 and 37-44 which depend from allowable base Claims 1, 13, 20, 25 and 36 respectively.

Conclusion

In light of the above-listed remarks, the Applicant respectfully requests allowance of the remaining Claims.

The Examiner is urged to contact the Applicant's undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,

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